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Ex. Sumesh Kaushal	U.S. Patent & Trademark Office		571/273-0769

RE Amendment and Response

MESSAGE



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Examiner Sumesh Kaushal	USPTO, Group Art Unit 1636		571-273-0769

RE U.S. Application Serial No. 10/067,148
Orrick Ref. No. 700603.3

MESSAGE

INTERVIEW SUMMARY ATTACHED.

C-M-A

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700603-1 K2M

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marie-Cecile van de Lavoie, et al.

Serial No.: 10/067,148

Filed: February 1, 2002

**For: CHIMERIC BIRD FROM
EMBRYONIC STEM CELLS**

Group Art Unit: 1636

Examiner: Sumesh Kaushal

INTERVIEW SUMMARY

Mail Stop Interview Summary
Commissioner for Patents
Washington, DC 20231

Sir:

Applicants wish to thank the Examiner for the courtesy extended in the interview of March 24, 2004. The interview was attended by the undersigned, Examiner Kaushal, Dr. Robert Kay, and Dr. Robert Etches. In the interview, the issue of a transgene stably integrated into the genome of the chicken embryonic stem cell progeny used for creation of chimeras was discussed, as was the detection of a transgene through expression in several tissue types. Applicants shared data revealing a live, hatched chimeric chicken carrying embryonic stem cell progeny with a stably integrated transgene.

The prior art reference cited in the previous office action, the Pain et al. paper, Development 122, 2339-2348 (1996) was also discussed in terms of the length of cells culture, specifically the

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile (571/273-0769) on the date shown below to Examiner Sumesh Kaushal, Commissioner for Patents, P.O. Box 1450, Alexandria 22313-1450.

May 3, 2004
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700603-3 K2M

Lynne Fulmer
Lynne Fulmer

Patent
700603.3

maximum period of 19 days for cells held in culture and demonstrated to contribute to chimeras. An affidavit was discussed to establish that the Pain et al. (1996) paper does not disclose any cultures yielding chimerism beyond 19 days, does not disclose any transformation of embryonic stem cells in culture with a stably integrated transgene, and does not disclose the use of the transformed embryonic stem cells to create a chimeric chicken.

Applicants submit that the application is in condition for allowance and request such action accordingly.

The Commissioner is authorized to charge Orrick, Herrington & Sutcliffe's Deposit Account for any fees that may have been overlooked and to credit any overpayments to said Deposit Account No. 150665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: May 3, 2004

By: 

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